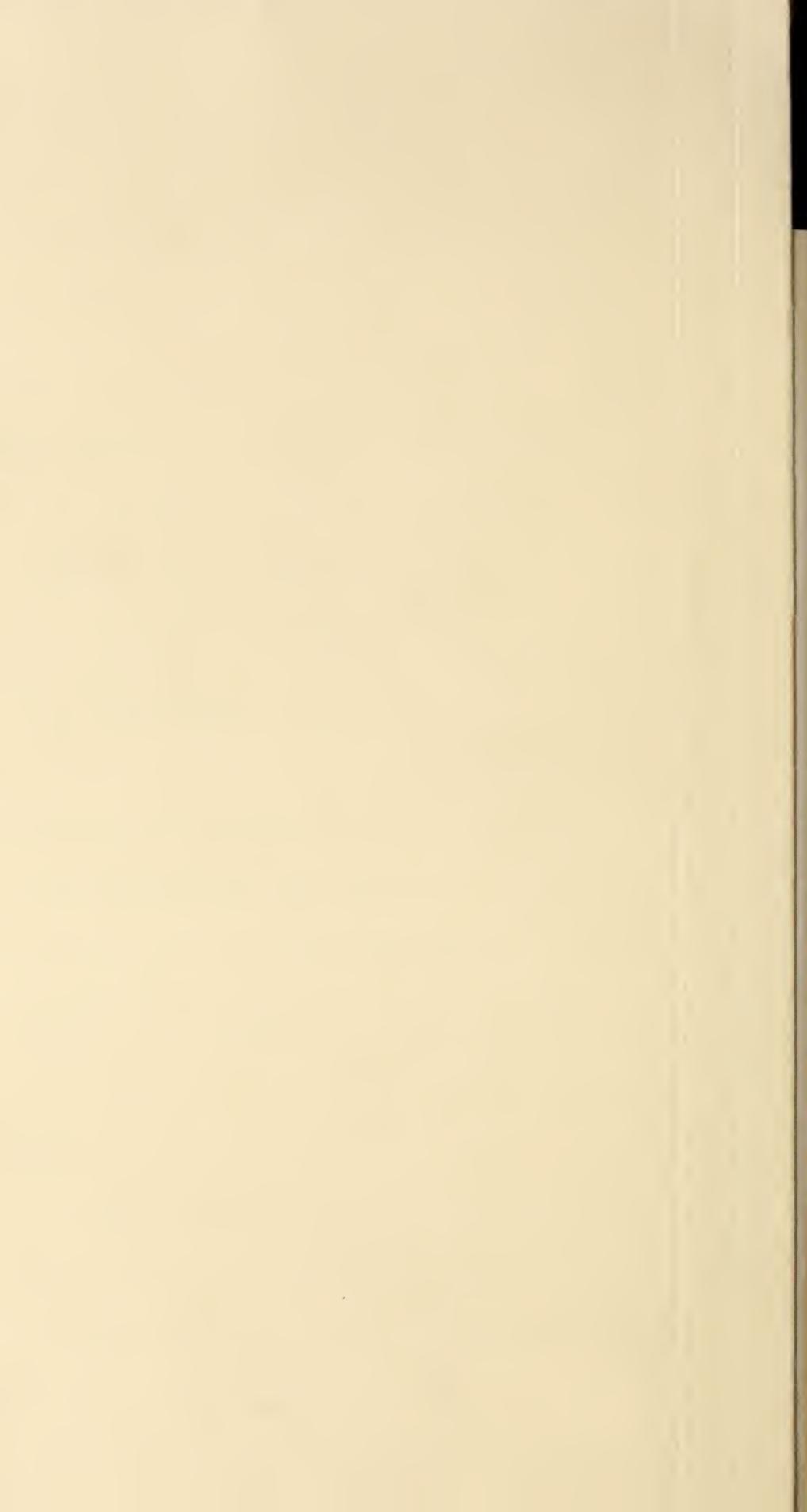


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United States Department of Agriculture,
INSECTICIDE AND FUNGICIDE BOARD.

J. K. HAYWOOD, *Chairman*; M. B. WAITE, A. L. QUAINTE, J. A. EMERY.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹

No. 21.

[Supplement to S. R. A.—Insecticide 13.]

NOTICE RELATIVE TO STATE INSECTICIDE AND FUNGICIDE LAWS.

In connection with the enforcement of the Insecticide Act of 1910 the Board has many inquiries from correspondents relative to the various State laws in respect to the manufacture and sale of insecticides and fungicides. The Board was furnished by State officials with publications and other information relating to such laws, and upon the basis of this material there was prepared a compilation of existing statutes on the subject which has been published in Service and Regulatory Announcement No. 13, issued September 16, 1916. The new laws which have been passed and amendments made to old laws since the issuance of Announcement No. 13, or not included therein, are published herein. The laws given hereinafter include the State laws or portions thereof which specifically deal with insecticides and fungicides (including disinfectants), and no attempt has been made to quote the various State food and drugs laws which apparently, but not in specific words, include disinfectants under their definitions of the term "drug," nor has an attempt been made to include the various State pharmacy laws which have provisions relative to marking poisonous substances with the word "poison."

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COLORADO.

AN ACT To amend sections 1, 4, 5, 6, 8, 10, and 13 of chapter 191 of the session laws of 1907, amended by chapter 47 of the session laws of 1909—"An act to prevent the introduction, importation, or spread of injurious insects and plant diseases in Colorado; to provide for their extermination when found in the State; to require the inspection of nurseries, nursery stock, and orchards; to create the office of State entomologist; to make an appropriation for carrying out this act; to regulate the sale of insecticides; and to repeal chapter fifty-five (55) of the Session Laws of 1897," and providing a quarantine for nursery stock, potatoes, and other objects infested with insect pests or plant diseases.

¹ Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. That section 1 of chapter 191 of the Session Laws of 1907, as amended by chapter 47 of the Session Laws of 1909 be, and the same is hereby amended to read as follows:

SECTION 1. For the purpose of this act, the Entomologist of the Colorado State Agricultural College is hereby declared to be State Entomologist, whose duty shall be, directly or through his deputies or horticultural inspectors, to carry out the provisions of this act.

The compensation of the State Entomologist shall be five hundred dollars per annum in addition to his salary as Entomologist of the Agricultural College; his deputies and Horticultural Inspectors shall receive not more than six dollars per day, and assistant horticultural inspectors Four and 50-100 Dollars a day in addition to their actual and reasonable expenses for time spent in carrying out the provisions of this Act, except, that the Chief Deputy, if employed by the year, may draw a regular salary of not to exceed \$2,400.00 a year.

SECTION 2. That Section 4 of said Act be, and the same hereby is, amended to read as follows:

SECTION 4. It shall be the duty of the State entomologist, directly or through his deputies or horticultural inspectors, to inspect all the nurseries, orchards, and shade trees of the State each year, and when it seems necessary, to inspect potatoes, and other farm or garden crops or other articles whatsoever, for the purpose of determining whether or not any of them are infested with injurious insects or fungus or other plant diseases that are likely to be disseminated to the injury of others, and to carry out such experiments as he may deem important to determine the best methods of control for the pests and diseases with which he has to deal.

When a nursery, farm, or other premises that has been inspected seems to be free from insect pests and plant diseases, the Entomologist shall, upon request issue to the owner, renter, or occupant, a certificate stating these facts. But if any nursery stock, orchard, or shade trees, potatoes, or other farm or garden crops or any objects whatsoever, be found to be infested with any serious insect pest or fungus or other plant disease that is likely to be disseminated to the injury of others, the owner or renter or person in charge of the infested or diseased property or premises must disinfect or destroy the same under the direction and to the satisfaction of the State Entomologist, or his deputy or horticultural inspector in charge, and at the owner's expense, unless the State Entomologist or inspector in charge sees fit to remove, disinfect, or destroy the infested or diseased articles himself.

* * * * *

SECTION 4. That Section 6 of said Act be, and the same is hereby, amended to read as follows:

* * * * *

Each and every violation of any of the provisions of this Act, and each and every noncompliance with any notice or direction given by the Horticultural Inspector in charge under the provisions of this Act, shall be punishable by a fine in the sum of not less than Five Dollars, nor more than Five Hundred Dollars, and each and every day that any person, firm, or corporation shall fail to comply with any notice in writing received from the State Entomologist, or Horticultural Inspector in charge under the provisions of this Act, shall be deemed a separate offense.

SECTION 5. That section 8 of this act be, and the same is hereby, amended to read as follows:

SECTION 8. Horticultural Inspectors shall make a full report to the State Entomologist, at least once each month, of the work done during this period.

The State Entomologist shall file an annual report with the Secretary of the State Board of Agriculture, which may be published from the office of the State Entomologist, and which shall contain a summary of the work done during the year and an itemized account of moneys received and expended in carrying out the provisions of this act, together with such additional information in regard to the work as may seem to him important.

* * * * *

SECTION 6. That Section 10 of said Act be, and the same is, hereby amended to read as follows:

SECTION 10. It shall be deemed a violation of this Act for any one to sell in Colorado, insecticide poisons such as Paris green, London purple, white arsenic, arsenate of lime, arsenate of lead, acetate of lead, arsenate of zinc, cyanide of potassium, hellebore, pyrethrum powder, or any other materials or preparations sold or offered for sale, for the control of insect pests or plant diseases, that are diluted or mixed with other substances, unless the kind and amount of the adulterations or mixtures are conspicuously printed in the English language upon each and every package sold. Upon all packages of arsenate of lead or arsenate of zinc sold in paste form, the percentage of water, by weight, must be guaranteed.

The State entomologist may inspect, examine, and make analyses of insecticide, fungicide or other materials held or offered for sale within the State for the purpose of determining their purity, their strength, and their value for the destruction of insects or plant diseases in any stage of their development. He shall have free access during all reasonable business hours upon or into any premises or structures to make examinations of insecticides or fungicide materials and upon tendering payment therefor at the current value, may take any sample or samples for examination, analyses, or tests, the results of which may be published for the information of the public.

SECTION 7. That all other acts or parts of acts, in so far as they are in conflict with this act, are hereby repealed.

SECTION 8. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

SECTION 9. The General Assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public health and safety.

Approved: April 10, 1917.

Laws of Colorado, 1917, ch. 131, pp. 473-480.

CONNECTICUT.

AN ACT concerning the testing and labeling of disinfectants.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The receptacle containing any disinfectant for external use, the phenol coefficient of which can be determined by a bactericidal test, manufactured, sold, or offered for sale within the State shall bear a label showing the carbolic acid coefficient or relative germicidal value of such preparation as compared with pure carbolic acid. The relative germicidal value of a disinfectant shall be determined by the application of either the Rideal-Walker or the hygienic laboratory method. Any such disinfectant shall be misbranded if the statement contained on the label is false. Any person who shall misbrand any disinfectant within the meaning of this act or shall sell or offer the same for sale shall be fined not more than one hundred dollars, or imprisoned not more than sixty days, or both.

Approved May 16, 1917.

Public Acts of 1917, chapter 314, p. 230.

IOWA.

AN ACT to prevent the manufacture and sale of adulterated or misbranded insecticides and fungicides within the State.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Insecticides—adulteration, etc.—penalty.** That it shall be unlawful for any person to manufacture within the State any insecticide or fungicide which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed two hundred dollars, and for each subsequent offense and conviction thereof shall be fined not to exceed three hundred dollars.

SEC. 2. **Importation—penalty.** That the introduction into this state from any other state or territory or from any foreign country, of any insecticide, or fungicide which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person having so received shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in this state any such adulterated or misbranded insecticide, or fungicide, shall be guilty of a misdemeanor and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, that no article shall be deemed misbranded or adulterated within the provisions of this act when intended for sale in another state or for export to any foreign country and prepared or packed according to specifications or directions of the foreign purchaser; but if said article shall be in fact sold or offered for sale for use in this state, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

SEC. 3. **Rules and regulations.** That the state dairy and food commissioner shall make rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of insecticides and fungicides manufactured or offered for sale in this state.

SEC. 4. **Examinations—duty of dairy and food commissioner.** That the examination of specimens of insecticides and fungicides shall be made in a laboratory of the state dairy and food commissioner for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this act; the state dairy and food commissioner may cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the state dairy and food commissioner shall at once certify the facts to the county attorney, with a copy of the findings of the analyst or officer making such examination under the oath of such officer.

SEC. 5. **Duty of county attorney.** That it shall be the duty of each county attorney to whom the state dairy and food commissioner shall report any violations of this act, to cause appropriate proceedings to be commenced and prosecuted to the district court of the state, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 6. Terms defined. The term "insecticide" as used in this act shall include Paris green, lead arsenate, and any other substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all insects which may infest vegetation, man or other animals or households, or be present in any environment whatsoever. The term "Paris green" as used in this act shall include the product sold in commerce as Paris green and chemically known as aceto-arsenite of copper. The term "lead arsenate" as used in this act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever.

SEC. 7. Adulteration defined. That for the purpose of this act an article shall be deemed to be adulterated—

In the case of Paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (As_2O_3); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one hundredths of one per centum arsenic oxide (As_2O_5); fourth, if any substance has been mixed and packed with it so as to reduce, or lower, or injuriously affect its quality or strength.

In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if its strength or purity falls below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the articles; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, mitigating insects or fungi, shall be injurious to such vegetation when used as recommended by the manufacturer.

SEC. 8. "Misbranded" defined. That the term "misbranded" as used herein shall apply to all insecticides or fungicides or articles which enter into the composition of insecticides or fungicides. For the purpose of this act an article shall be deemed to be misbranded:

First: If the package or label shall bear any statement, design, or device regarding such article, or the ingredients, or substances contained therein which shall be false or misleading in any particular.

Second: If sold, offered or exposed for sale in package form and the quantity of the contents be not plainly and correctly marked on the outside of the package in terms of weight, measure, or numerical count; provided, however, that reasonable variations shall be permitted and tolerances shall be established by rules and regulations made by the state dairy and food commissioner.

Third: If it be an imitation or offered for sale under the name of another article.

Fourth: If it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

In the case of insecticides, other than Paris green, and lead arsenate, and fungicides:

First: If it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present, expressed as per centum of metallic arsenic, is not stated on the label.

Second: If it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble form, expressed as per centum of metallic arsenic, is not stated on the label.

Third: If it consists partially or completely of an inert substance or substances which do not effectively prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients and the fact that they are inert plainly and correctly stated on the label: *Provided, however*, that in lieu of naming and stating the percentage amounts of each and every one of such ingredients the producer may at his discretion state plainly on the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

SEC. 9. Exemption from prosecution. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer within the meaning of this act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealers and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this act, if the dealer shall continue to sell after notice by the State dairy and food commissioner that such article is adulterated or misbranded within the meaning of this act.

SEC. 10. Labeling—requirements. All spray solution known as a lime and sulphur liquid shall be conspicuously labeled as to the strength of the solution, showing a guaranteed strength of lime and sulphur combined in solution as sulphates and sulphides, of which solution not less than seventy per cent, 70 per cent, by weight shall be sulphur, and such label or labels shall also contain a direction as to the proportions of water to be used in any mixture containing a four per cent, 4 per cent, solution by weight of lime and sulphur combined as sulphates and sulphides, of which solution not less than seventy per cent, 70 per cent, by weight shall be sulphur.

Every package of such compound or solution sold, offered or exposed for sale shall be plainly labeled with black faced type, in letters of not less than one-half of an inch in height, stating the contents of the compound or solution and the gravity test thereof.

SEC. 11. Seizure and confiscation. That any insecticide or fungicide that is adulterated or misbranded within the meaning of this act shall be liable to be proceeded against in any district court of the state within the district wherein the same is found and seized for confiscation by a process of libel for condemnation.

And if such article is condemned as being adulterated or misbranded, within the meaning of this act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs, and charges, shall be paid into the treasury of the state, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws

of that jurisdiction: *Provided, however,* that upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act or the laws of the state, the court may by order direct that such articles be delivered to the owner thereof.

SEC. 12. **Construction of act.** When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or any other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the other person.

Approved April 25, A. D. 1917.

Laws of Iowa, 1917, ch. 385, pp. 416-420.

KENTUCKY.

AN ACT to provide means for the analysis and examination, investigation, publication, and other necessary expenses connected with the carrying out of Chapter four of the Acts of the General Assembly of the Commonwealth of Kentucky of nineteen hundred and eight, entitled "An Act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines, and liquors, and providing penalties for violation thereof," and appropriating and limiting the amount of money to be paid from the treasury of the Commonwealth for such work

Whereas the Court of Appeals has, by decision, held that section eleven of the Act approved March thirteenth, nineteen hundred and eight, being Chapter four of the Acts of the General Assembly of the Commonwealth of Kentucky of nineteen hundred and eight, and entitled "An Act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines, and liquors, and providing penalties for violation thereof," is in violation of the Constitution of the Commonwealth of Kentucky, in that the said Section eleven is not mentioned in the title of the said Act; and

Whereas the enforcement of laws to prevent food and drug adulteration is vitally essential to the health of the people and the integrity of commerce in these products; and

Whereas the laws will be dead letters if investigations and analyses to discover adulterations and fraud are not continued, and the State will become a dumping ground for all manner of adulterated and debased foods and drugs and liquors; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. The Kentucky Agricultural Experiment Station shall receive expenses for the analysis or examination of any sample of food or drug taken or submitted in accordance with Chapter Four, of the Acts of the Commonwealth of Kentucky, approved March thirteenth, nineteen hundred and eight, and expenses for procuring samples of food or drugs and in making inspections into the condition and wholesomeness and purity of the food produced, manufactured or sold in food factories, grocery stores, bakeries, slaughter houses, dairies, milk depots or creameries, and all other places where foods are produced, prepared, stored, kept or offered for sale; for studying the problems connected with the production, preparation and sale of foods; investigations for standards; for expert witnesses attending grand juries and courts, clerk hire, and all other expenses necessary for carrying out the provisions of the said act, including salary of the experts engaged in the work. Provided, that the total expense from all sources shall not exceed, in any one year, thirty thousand dollars.

§2. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditure of money

under this act, in the manner required by the statutes governing claims. The expenditures reported to the auditor shall be paid by the Commonwealth to the Treasurer of the Experiment Station, upon the written request of the Board of Control of the said Experiment Station, and the Auditor, for the payment of the same, is directed to draw his warrant upon the Treasurer as in all other claims against the Commonwealth.

§3. The said Experiment Station may fix reasonable fees for the examination of samples of foods or drugs, or labels for the same, submitted by manufacturers or dealers, for the purpose of determining as to whether any such products or labels comply with the provisions of said law, and reasonable fees for the examination of labels and inquiry into other matters connected with the enforcement of the said act, and which may be requested of the said Station. And, whenever a sample has been found to be adulterated or misbranded, the said experiment station shall collect a fee, not to exceed fifteen dollars, to cover the costs of investigation or analysis, to be taxed as costs and paid by the magistrate, police judge, or clerk of any court in which prosecution is brought, and is in favor of the Commonwealth, to the Auditor of Public Accounts or by the Experiment Station at civil suit, and all such fees, so collected shall be paid to the Auditor of Public Accounts and set aside as a fund for the partial maintenance of the appropriation made herein, and for the further enforcement of the act in the event that the fees amount to more than the appropriation made herein.

§4. The said Experiment Station, or its Food and Drug Department, shall analyze samples submitted by county and city health officers, provided such samples are submitted in accordance with the terms of the said act; and the Experiment Station, or its Food and Drug Department, shall have the right to require county and city health officers, or food and dairy inspectors, to make inspections and to collect and send samples for examination, and to call upon all other county and city officials for assistance in carrying the said act into effect. As means for further carrying out the provisions of this act, the experts employed under the provisions of this act shall give instruction, free of cost, to any county or city health officer or employee of any county or city health department, who may request the same, in matters pertaining to the inspection and practical remedies for insanitary conditions in the preparation and sale of foods, examination of samples, and similar matters; and such courses of instruction may be conducted in connection with other courses of instruction at the State University.

§5. Whereas the Kentucky Food and Drug Act is left without funds for its enforcement, an emergency is declared to exist, and this act shall take effect from and after its approval by the governor.

Approved March 23, 1916.

Acts of the general assembly, 1916, ch. 44, pp. 486-489.

OHIO.

In 1917 sections 1177-30 (Section 2¹), 1177-36 (Section 8¹), 1177-37 (Section 9¹), 1177-38 (Section 10¹), 1177-39 (Section 11¹) and 1177-42 (Section 14¹) of the General Code were amended to read as follows:

Be it enacted by the General Assembly of the State of Ohio:

* * * * *

SEC. 1177-30. Before selling or offering for sale arsenate of lead, paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, bordeaux mixture, or any insecticide or fungicide or essential ingredient thereof used for

¹ This designation refers to sections of the law as published in S. R. A.—Insecticide 18.

the control of insects or fungus diseases within the State, each person, firm, or corporation shall file with the secretary of agriculture certified copies of the certificate required in the preceding section.

SEC. 1177-36. Before selling arsenate of lead, paris green, lime-sulphides, miscible combinations of mineral or vegetable oils, bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for the control of insects or fungus diseases within the state, each person, firm or corporation who manufactures any of the aforementioned commodities shall each year pay to the secretary of agriculture a license fee of twenty dollars with each certificate filed. Upon application and payment of such fee said secretary shall issue a license for the current year. All licenses shall expire on the 31st day of December each year. The payment of such license fee by a person, firm, or corporation shall exempt an agent thereof from the requirements of this section.

SEC. 1177-37. Each year the secretary of agriculture shall cause to have taken samples of the different brands of arsenate of lead, paris green, lime-sulphides, miscible combinations of mineral and vegetable oils, bordeaux mixture or any insecticide or fungicide or essential ingredient thereof used for control of insects or fungus diseases within the State and the same shall be analyzed under the direction of the secretary of agriculture. The expenses incurred therefor shall be paid by him from a fund arising from the payment of license fees required in the preceding section.

SEC. 1177-38. For the purpose of analyses and comparison with the certificate deposited with him, and with the certificate on such package, the secretary of agriculture, or a person appointed by him, may purchase in the open market of the state any unbroken original package of any insecticide or fungicide, and may take samples from bulk goods of these materials in the possession of a dealer, consumer, or transportation company within the state. Not less than one pound and not exceeding two pounds of solids, and not less than one pint or more than two quarts of liquids shall be taken from bulk goods.

SEC. 1177-39. The secretary of agriculture and such assistants, agents, experts and chemists, as he may duly authorize for the purpose, shall have the power to enter any car, warehouse, building, or any premises in the state where arsenate of lead, paris green, lime-sulphides, miscible combinations of mineral and vegetable oils, bordeaux mixture of any insecticide or fungicide or essential ingredient thereof, are kept, and open any package or vessel containing or supposed to contain said commodities and take therefrom samples for analysis upon tendering the value of said samples.

SEC. 1177-42. The secretary of agriculture shall make an annual report and may publish from time to time analyses made of samples taken as provided in section 1177-38 and the analyses guaranteed by the manufacturers. Such report shall contain a statement of monies received and expended from license fees collected for the sale of insecticides and fungicides.

* * * * *

Approved March 29, 1917.

Laws of Ohio, 1917, pp. 460-495.

PENNSYLVANIA.

AN ACT Preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties.

SECTION 1. *Be it enacted, &c.*, That it shall be unlawful for any person to manufacture, sell, or offer for sale, within the Commonwealth, any insecticide or fungicide which is adulterated or misbranded, within the meaning of this act.

SECTION 2. That it shall be unlawful for any person to defraud any other person by misrepresenting the value of any treatment applied to trees, shrubs, vines, or other plant material, or to any animal, for preventing, destroying, repelling, or mitigating any insect, fungus, or bacterial disease, or for accelerating its growth or productive power.

SECTION 3. That the Secretary of Agriculture shall promulgate uniform rules and regulations for enforcing this act, including the collection and examination, by existing bureaus, of insecticides and fungicides, manufactured or offered for sale in the Commonwealth, for the purpose of determining whether such articles are adulterated or misbranded within the meaning of this act; and, if it shall appear after such examination that any of such specimens are adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard at a designated time and place; and, if it appears that any of the provisions of this act have been violated, the Secretary of Agriculture shall cause the certification of such facts to the proper court, with a copy of the results of the analysis or examination, authenticated by the analyst or expert, under oath. Results of analysis or examinations of insecticides and fungicides may be published, under the direction of the Secretary of Agriculture.

SECTION 4. That, for the purposes of this act, the word "person" shall include corporations, companies, societies, associations, partnerships, or any individual or combination of individuals.

SECTION 5. That the term "insecticide," as used in this act, shall include any substance, or mixtures of substances, intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man, or animals, or households, or be present in any environment whatsoever. The term "Paris green," as used in this act, shall include the product sold in commerce as Paris green, and chemically known as the acetate-arsenite of copper. The term "lead arsenate," as used in this act, shall include the product or products sold in commerce as lead arsenate, and consisting chemically of products derived from arsenic acid (H_2AsO_4), by replacing one or more hydrogen atoms by lead. That the term "fungicide," as used in this act, shall include any substance, or mixture of substances, intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation, or be present in any environment whatsoever.

SECTION 6. That, for the purpose of this act, an article shall be deemed to be adulterated:

In the case of Paris green,—first, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

In the case of lead arsenate,—first, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxide (As_2O_3); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths per centum of arsenic oxide (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: *Provided, however,* That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

In the case of insecticides or fungicides other than Paris green and lead arsenate,—first, if its strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation, and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects or fungi, shall be injurious to such vegetation when used.

SECTION 7. That the term "misbranded," as used herein, shall apply to all insecticides, Paris green, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package, label, or accompanying descriptive circulars of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides, which are falsely branded as to the State, Territory, or country in which they are manufactured or produced.

That, for the purposes of this act, an article shall be deemed to be misbranded:

In the case of insecticides, Paris green, lead arsenates, and fungicides,—first, if it be an imitation, or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; third, if the quantity of the contents be not plainly and correctly marked on the outside of the package, in terms of weight, measure, or numerical count.

In the case of insecticides (other than Paris greens and lead arsenates) and fungicides,—first, if it contains arsenic in any of its combinations or in the elemental form, and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form, and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists, partially or completely, of an inert substance, or substances, which do not effectively prevent, destroy, or repel insects or fungi, and does not have the names and percentage amounts of each and every one of such inert ingredients, and the fact that they are inert, plainly and correctly stated on the label: *Provided, however,* That, in lieu of naming and stating the percentage amount of each and every inert ingredient, the producer may, at his discretion, state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present.

SECTION 8. That any insecticide or fungicide that is condemned as being adulterated or misbranded, within the meaning of this act, shall be confiscated and disposed of by destruction, or in such other manner as the court may direct.

SECTION 9. Any person who shall violate any of the provisions of this act, or any rule or regulation of the Secretary of Agriculture promulgated under this act, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense; and, upon conviction for each subsequent offense, be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

SECTION 10. This act shall be in force after June first, one thousand nine hundred and seventeen.

SECTION 11. The following act is hereby repealed:

An act entitled "An act regulating the sale of Paris green; defining Paris green; prohibiting its adulteration; providing for the collection of samples and analysis thereof by the Department of Agriculture, and the publication of information concerning the same; providing also for the expenses of the enforcement of the law, and fixing penalties for its violation," approved the twenty-ninth day of May, one thousand nine hundred seven (Pamphlet Laws, three hundred nine).

SECTION 12. All other acts or parts of acts inconsistent with this act are hereby repealed.

Approved—The 17th day of May, A. D. 1917.
Laws of Pennsylvania, 1917. No. 124, pp. 224-227.

WISCONSIN.

AN ACT to repeal * * * section 1494-10q of the statutes, abolishing the State board of agriculture, * * *; to amend section 1494-10w of the statutes relating to the fees charged for the analysis of insecticides and fungicides; and * * * creating a department of agriculture * * * the office of State entomologist * * * prescribing their powers and duties and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsections 17, 62, and 63 of section 170 and sections 237h, 237i, 237j, 237k, 237l, 1456, 1457, 1458, 1458a, 1458b, 1458e, 1492aa, 1492ab, subsections 1 and 2 of section 1492 and subsection 1 of section 1494f and sections 1494-1, 1494-1a, 1494-2 to 1494-5, inclusive, 1494-5a, 1494-6, 1494-6a, 1494-7, 1494-7a, 1494-7b, 1494-8 to 1494-10, inclusive, 1494-101 to 1494-10n, inclusive, and 1494-10q of the statutes are repealed.

SECTION 2. Section 1494-10w of the statutes is amended to read: Section 1494-10w. A fee not to exceed five dollars may be collected for the examination or analysis of each sample of insecticide or fungicide submitted by any manufacturer, wholesaler, jobber, or dealer. Such fees shall be paid into the * * * State treasury and are hereby appropriated to the department of agriculture for the purposes set forth in sections 1494-10o to 1494-10w, inclusive, of the statutes.

SECTION 3. There is added to section 170 of the statutes a new subsection to be number 17, and to the statutes eight new sections to read: Section 1456. A department of agriculture is hereby created. Said department shall be under the control and supervision of a commissioner of agriculture, who shall be appointed by the governor by and with the advice and consent of the senate. The person appointed commissioner of agriculture shall be known to possess a practical knowledge of and to be experienced in the agricultural industry.

SECTION 1457. The term of the commissioner of agriculture first appointed under section 1456 shall be deemed to expire on the first Monday in February, 1919; the term of each commissioner thereafter appointed shall be four years and shall be deemed to expire on the first Monday of February, and each commissioner appointed shall hold office until his successor is appointed and qualified. Appointments to fill vacancies shall be made by the governor for the unexpired portion of the term, but any such appointment shall be in full force until acted upon by the senate.

SECTION 1458. 1. The governor may at any time remove the commissioner of agriculture for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges made

against him, and fix a time when he can be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If such commissioner shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against him, and his findings thereon, with the record of the proceedings.

2. The said commissioner shall maintain his residence at the city of Madison, and shall devote his entire time to the performance of his duties, and shall not hold any other public position or office, or serve on or under any committee of any political party.

3. Before entering upon the duties of his office said commissioner shall take and subscribe the constitutional oath of office, and shall in addition thereto swear or affirm that he holds no other public position or office, nor any position under any political party or committee, and such oath or affirmation shall be filed in the office of the secretary of state.

SECTION 1458—1. The said department of agriculture shall maintain its office at the state capitol and the superintendent of public property is directed to provide suitable rooms for that purpose. The commissioner of agriculture is authorized to purchase for said department all necessary and permanent property and consumable materials, supplies and services not furnished by the superintendent of public property; to procure printed forms and notices, and make a biennial report to the governor, and to issue special publications pertaining to the work of the department, subject to the provisions of law relating to public printing. The said commissioner may hold meetings at other places than the capitol whenever in his judgment the interests of the State will be best served by so doing.

SECTION 1458—2. Upon the passage and publication of this act the governor, by and with the advice and consent of the senate, shall appoint a state fair advisory board to consist of eleven members, three of whom shall be appointed for a term ending the first Monday of February, 1917, four for a term ending the first Monday of February, 1918, and four for a term ending the first Monday of February, 1919; one such member shall be appointed from each congressional district. All subsequent appointments of said board shall be for a term of four years from the first Monday of February of the year in which such appointment is made, except appointments to fill vacancies, which shall be made by the governor for the unexpired term only. It shall be the duty of the department of agriculture to cooperate and advise with said board on all matters relating to the conducting of the state fair, and it is hereby made the duty of said board to advise and assist said department of agriculture in promoting the state fair in all of its departments. The decision of the department of agriculture upon all matters connected with the said state fair shall be final. Members of the said advisory board shall be reimbursed their actual and necessary expenses incurred under the provisions of this section but shall serve without compensation, except when assisting in the conduct of the state fair, under the direction of the department of agriculture, they shall receive a per diem of five dollars, said per diem and expenses to be paid out of the proper appropriation to the department of agriculture upon the certificate of the commissioner of agriculture.

(Section 170) 17. (1) The commissioner of agriculture shall receive an annual salary of five thousand dollars and shall be reimbursed his actual and necessary traveling expenses incurred in the conduct of his official business.

(2) The commissioner of agriculture shall appoint such agents, deputies, engineers, veterinarians, entomologists, accountants, inspectors, clerks, stenographers, and other employees as he may deem necessary, prescribe their duties and designate their respective titles, and fix their salaries or compensation.

But each of the appointees and employees of the state board of agriculture, of the state board of immigration, of the board of veterinary examiners, of the state live stock sanitary board, of the state inspector of apiaries and of the state veterinarian, shall within ninety days be removed from the position which he holds at the time this act becomes effective, unless the commissioner of agriculture shall determine that the services of such appointee or employee are necessary to maintain the efficiency of his department. Any increase made at any time in the number of employees or in the compensation paid, which shall be decided upon by the commissioner of agriculture, shall be made subject to the approval of the governor.

(3) All such employees shall receive their actual and necessary traveling expenses incurred in the discharge of their official duties, but no claim for any such expenses shall be audited unless the same is fully itemized and verified by the oath of such employee that such expenses were actually incurred in the performance of his official duties.

(4) All salaries, compensations, and expenses authorized by this section shall be charged to the proper appropriation to the department of agriculture.

SECTION 1458—3. It shall be the duty of the department of agriculture and it shall have power, jurisdiction and authority:

(1) To promote the interests of agriculture, dairying, horticulture, manufactures, and the domestic arts.

(2) To control all state fairs and state fairgrounds, and to make such rules, by-laws and regulations in relation to the management of the business of such department and state fairs, and the offering of premiums thereat, as it shall from time to time determine subject to the provisions of section 1458—2 of the statutes.

(3) To collect from the several counties in this state information concerning the extent, condition and prices of farm crops; the number, conditions of health and value of farm animals, prevailing conditions of weather, and such other information as it may deem of practical value to the agricultural interests of the state, and to publish monthly statements of such reports, for free distribution among the farmers and other interested parties of the state.

(4) To appoint three veterinary examiners who shall, subject to the direction and control of said department, examine into the qualifications of persons desiring to practice veterinary medicine and surgery, and to license such persons who shall pass a satisfactory examination, in the manner provided by law.

(5) To cause to be collected and printed in such form as may be best calculated to attract to the state desirable immigrants seeking homes, and capital seeking profitable investment, information relating to the advantages and opportunities offered by this State to the farmer, the merchant, the manufacturer, the home seeker, and the summer visitor. The publications of said board shall be made in form of circulars, folders and pamphlets, with or without maps or illustrations, and shall contain in succinct language, easily comprehended by the general public, statements relating to the soil, climate, water, products, markets, transportation facilities, summer resorts, location of undeveloped lands and the relative value and cost of these lands compared with those of other localities; to cause to be translated and printed in such foreign language or languages as may be selected any or all of the circulars, folders or pamphlets provided for in this section, if the department in its discretion shall deem advisable; to cause to be inserted in newspapers, magazines and farm papers, appropriate notices, and to maintain permanent exhibits in populous centers if the department shall determine that the best interests of the state will be advanced thereby.

(6) To furnish such number as it shall fix of copies of the several publications printed under its direction to county and city advancement associations, immigrant societies or bodies of citizens organized to promote immigration and the development and enrichment of the state when application is made therefor; to furnish other persons and corporations such number of copies of publications as may be requested at the actual cost of printing.

(7) In order to facilitate the collection of accurate information relating to the resources of the state, the heads of the several departments of the state government, the faculty of the state university and the several state institutions are hereby directed to furnish to the department of agriculture such information as may be at their command when requested to do so by said department.

(8) To inspect apiaries as provided by law, furnish information to owners and caretakers with respect to the eradication and prevention of disease injuries to honeybees in their egg, larval, pupal, or adult stages, and to enforce the law relating to apiaries, and to the care, shipment or sale of bees and honey.

(9) To act in advisory capacity as to the manner of the expenditure and accounting therefor, of state moneys appropriated to county agricultural societies, intercounty fair associations, and other agricultural associations holding fairs, the Wisconsin Horticultural Society, the Wisconsin Agricultural Experiment Association, the Wisconsin Cranberry Growers' Association, Wisconsin Live Stock Breeders' Association, each incorporated poultry association receiving state aid under provisions of section 1459m, Wisconsin State Dairymen's Association, the Southern Wisconsin Dairymen and Cheese Makers' Association, Wisconsin Potato Growers' Association, and other similar societies and associations receiving State aid.

SECTION 1458—4. Except as otherwise provided in this act, all duties, liabilities, authority, powers, and privileges imposed or conferred by law upon the state board of agriculture, the secretary of the state board of agriculture, the state veterinarian, the inspector of apiaries, the state orchard and nursery inspector, the person administering or enforcing the provisions of sections 1494—10o to 1494—10w, inclusive, of the statutes, relating to the inspection of insecticides and fungicides and the State board of veterinary examiners, their subordinates and employees, are conferred and imposed upon the department of agriculture, and all provisions of statutes relating to said board or officers, shall apply to and be deemed to relate to the department of agriculture provided for by this act so far as the said laws are applicable.

* * * * *

SECTION 1494—2. 1. There is hereby created the office of state entomologist. It shall be the duty of the state entomologist to enforce the laws relating to the inspection of nurseries and orchards; the inspection of insecticides and fungicides; and he shall publish an annual report describing the various phases of the inspection work, and suggestions as to the methods of control of insects which are of economic importance to the state.

2. The state entomologist shall be furnished with a suitable office in the state capitol, and with such supplies and equipment and printing as may be necessary.

* * * * *

SECTION 5. There is annually appropriated, beginning July 1, 1915, forty thousand dollars, payable from any moneys in the general fund not otherwise appropriated, to the department of agriculture for administration purposes in carrying out the powers, duties and functions conferred by law upon said department.

SECTION 6. This act shall take effect upon passage and publication, but all boards and bodies whose functions and duties are transferred to the department

of agriculture shall continue to administer their respective departments until the commissioner of agriculture is appointed and qualifies, and the state live-stock sanitary board herein abolished shall continue in existence until the state live-stock sanitary board herein created opens its first meeting.

Approved July 19, 1915.

Laws of Wisconsin, 1915, ch. 413, pp. 518-530.

STATE OFFICIALS.

The following is a list of State officials who are actively in charge of the enforcement of insecticide and fungicide laws. Officials will confer a favor upon the Board by calling attention to any errors in name, title, or address which may appear on the list, or to any changes which may occur from time to time:

California: Thomas Forsyth Hunt, Director, Agricultural Experiment Station, Berkeley.

Colorado: C. P. Gillette, State Entomologist, Colorado Agricultural College, Fort Collins.

Connecticut: E. J. Jenkins, Agricultural Experiment Station, New Haven.

Idaho: Guy Graham, State Horticultural Inspector, State Board of Horticultural Inspection, Boise.

Iowa: W. B. Barney, State Dairy and Food Commissioner, Des Moines.

Kentucky: T. P. Cooper, Director, Agricultural Experiment Station, Lexington.

Louisiana: Harry D. Wilson, Commissioner, Department of Agriculture and Immigration, Baton Rouge.

Maine: A. M. G. Soule, Chief, Bureau of Inspection, Department of Agriculture, Augusta.

Maryland: F. C. Blanck, Food and Drug Commissioner, Department of Health, 16 West Saratoga Street, Baltimore.

Michigan: Andrew J. Patten, Chemist, Division of Chemistry, Agricultural Experiment Station, East Lansing.

Minnesota: James Sorenson, Dairy and Food Commissioner, New Capitol, St. Paul.

Montana: F. B. Linfield, Director, Agricultural Experiment Station, Bozeman.

New Hampshire: Andrew L. Felker, Commissioner of Agriculture, Room 120, State House, Concord.

New Jersey: C. S. Catheart, State Chemist, Agricultural Experiment Station, New Brunswick.

New York: Geo. G. Atwood, Director, Bureau of Plant Industry, Department of Farms and Markets, Albany.

North Dakota: L. F. Ladd, State Food Commissioner, Agricultural College.

Ohio: N. E. Shaw, Secretary of Agriculture, Columbus.

Oregon: _____.

Pennsylvania: J. G. Sanders, Bureau of Zoology, Department of Agriculture, State Capitol, Harrisburg.

Washington: Insecticide and Fungicide Board: M. L. Dean, Commissioner of Horticulture, Olympia; Geo. A. Severance, Director, Agricultural Experiment Station, Pullman; A. L. Melander, Entomologist, Agricultural Experiment Station, Pullman; F. D. Heald, Pathologist, Agricultural Experiment Station, Pullman.

Wisconsin: E. D. Ball, State Entomologist, State Capitol, Madison.

